United Nations E/CN.5/2019/NGO/57

Economic and Social Council

Distr.: General
15 November 2018

Original: English

Commission for Social Development
Fifty-seventh session
11–21 February 2019
Follow-up to the World Summit for Social Development and the twenty-fourth special session of the General Assembly: Priority Theme: Addressing inequalities and challenges to social inclusion through fiscal, wage and social protection policies

Statement submitted by C-Fam, Inc., a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

18-19508 (E) 191118

Please recycle

Statement

The family is the most important and only source of social protection for over half of the world's population, but the international community has shown itself unable to focus on the family in international policy. As a consequence, international programming continues to neglect the family. This must change if the international community is serious about addressing social protection in a meaningful way.

According to the International Labor Organization, only twenty-nine percent of the global population enjoys comprehensive social security. That leaves over seventy percent of the world's population with either an inadequate patchwork of social security protections or no public social assistance at all. For these more than 5 billion people, the family is the principal or sole social protection system. It is their only education fund, their only unemployment safety net, and their only health fund.

In developing countries where social protection lags, policies and programmes should support the family in order to boost its already important protective role as social safety net and capture the economic synergies the family alone can deliver. Unfortunately, international agencies have failed to address the family unit as the beneficiary of their policies. International policies instead usually target individuals, in the hope that families too will benefit. This is a mistake. In a context where the family is the only vehicle of social protection, it is counterproductive to focus on individuals without regard for their families.

Unless national and international policies begin to address the family unit as the subject, vehicle, and principal beneficiary of social protection, investments in social protection will be diluted, and may even contribute to dispersing social protection efforts by weakening the family unit. To continue with business as usual would be ineffective and wasteful. It would also be a violation of human rights standards.

International law entitles the family to protection. The Universal Declaration of Human Rights and binding international instruments reserve singular protections for the family in recognition of the family's irreplaceable role as "natural environment for the growth and well-being of all its members and particularly children".

Article 16 Universal Declaration of Human Rights defines the family as "the natural and fundamental group unit of society" and declares that it is "entitled to protection by society and the State". Article 23 of the International Covenant on Civil and Political Rights (ICCPR), and article 10 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Preamble of the Convention on the Rights of the Child (CRC), and the Preamble of the Convention on the Rights of Persons with Disabilities (CRPD) include this same language verbatim.

By virtue of these provisions in international law, the family is a proper subject of human rights and is a bearer of rights in international human rights law.

The outcomes of landmark United Nations conferences have recognized as much. The Programme of Action of the 1994 International Conference on Population and Development, for example, referred to the "rights of families". Similarly, the Programme of Action of the 1995 World Summit for Social Development recognized that the family is "entitled to receive comprehensive protection and support".

The goal of social protection is perfectly consistent with underlying justification for the singular protections to which the family is entitled in international law. It is best expressed in the Preamble of the CRC, which affirms how "the family, as the fundamental group of society and the natural environment for the growth and well-

protection and assistance so that it can fully assume its responsibilities within the community".

It must be noted that, when it comes to social protection, states have a heightened obligation to pay special attention to the family and do everything possible to assist families. The ICCPR established the obligation of state parties to that convention to provide the "widest possible protection and assistance to the family," and that the right to an adequate standard of living extends not only to individuals but to individuals "and their families". The Covenant, in this sense, does not merely "entitle" the family to generic social and economic protection and assistance, like other international human rights treaties, but requires states to provide the family with the "widest possible" protection and assistance.

The protections states are bound to provide the family cannot be limited to social and economic protections. In fact, other core obligations of states toward the family are even more elemental; they concern the nature of the family, family unity and stability, the equal rights of men and women, the rights of the child, and relations formed through family bonds more generally. While these core obligations of states towards the family may not be directly a form of social protection, they also have a protective role.

First and foremost is the definitional obligation of what constitutes a family. This is no small question in the context of social protection because, if the family is entitled to protection by society and the state, as international law says, it is paramount to define what exactly constitutes a family for purposes of this binding international obligation to provide the family with social protection or other entitlements. In this regard, international law is unambiguous.

International law establishes that the family is formed when a man and a woman exercise their right to freely "marry and found a family". States may extend social protections to other types of bonds between individuals, such as friendships, the formation of households, or even sentimental attachments between persons of the same sex. But only the family is "entitled" by international law to protection by society and the state. In this sense, the family is unique, no doubt because of its role and status as "natural and fundamental group unit of society".

Other core obligations concerning the nature and character of the family include: the protection of the equal rights of men and women to freely enter into marriage and found a family, and their equal rights during marriage and at its dissolution, the obligation to create an environment conducive to family formation and stability, the protection of the right of the child to know and be cared for by her/his parents, the related rights of the child to a cultural and religious identity, and the "prior" right of parents to educate their children in accordance with their convictions. It should also be acknowledged that the care of the most vulnerable in every society — the young, the elderly, and persons with disabilities — is often provided within the context of the family or obtained through the advocacy of their family members.

These obligations are becoming especially relevant in contexts where robust social protection has already been achieved. As governments take up more and more social protection functions once undertaken by the family, the very nature and purpose of the family is increasingly called into question. Many nations have adopted laws that make it so easy to divorce that it undermines the very nature of the family and its social importance. Some nations have redefined the family to include relations

individuals in same-sex relations.

The recent pressure to grant international status and recognition to social and legal arrangements between individuals of the same sex in the context of the United Nations has led to confusion and acrimony in international negotiations on the subject of the family. It is widely credited with leading to the exclusion of the family altogether from international policies agreed in recent years.

It is hoped that as the international community turns to the issue of social protection, these unfortunate debates can be put aside in order to concentrate on finding solutions to deliver social protection to the greatest number of people in an effective and empowering way. This can never happen for over 5 billion people who rely solely on or almost entirely on the family as their only social protection unless governments and the international community begin to look to the family as the subject and target of social protection policies and programmes.